

**Enrolled Minutes of the Ninety-third Regular or Special Meeting
For the Twenty-Sixth Highland Town Council
Special Meeting
Monday, October 17, 2011**

Special Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, October 17, 2011 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, and Cecile Petro, Redevelopment Director were present.





Also Present: Katy Dowling, Deputy Clerk-Treasurer, was also present.

Special Orders:

1. **Pre-Adoption Hearing of the Proposed Fiscal Year 2012 Budget for the Town of Highland.**
 - (a) Verification of Proofs of Publication: (TIMES: 08-30-2011 & 9-09-2011; POST-TRIB: 9-01-9-09) The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
 - (b) Introduction of **Proposed Ordinance No. 1500:** An Ordinance of Appropriations and Budget Levies and Rates for the 2012 Budget. Councilor Herak introduced and filed the proposed budget ordinance. There was no further action.
 - (c) **Public Hearing.** The Town Council President called the hearing to order. The following comments were received:
 - (1) Rick Volbrecht, 9221 Parkway Drive, Highland, noted that he only received by e-mail the agenda of the meeting but did not receive the packet featuring the associated documents. He particularly noted that he had not received the budget and wished to review it. It was noted that there was a delay in the transmission. However, it was further noted that the budget was on file and available for review since the initial publication of the proposed budget.
 - (2) Tom Black, 3515 Garfield Street, Highland, indicated that his inquiry was based upon what was reported in the monthly Town newsletter. He inquired whether the budget had been formed so as to meet the pension obligation or liability and the 12% in cuts that were reported to be needed. The Town Council President indicated that no final decisions have been made as the budget is not to be adopted until October 31. Councilor Kuiper suggested that no reductions in workforce were needed to support the proposed budget.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at a **special meeting of the Town Council, Monday, October 31, 2011 at 7:00 p.m.**

Fund Name	Budget Estimate	Maximum estimated Funds to be raised	Excessive Levy Appeals	Current Tax Levy
Corporation General	\$ 6,000,798	\$ 7,885,020	\$ -	\$ 4,649,369
Parks & Recreation	\$ 1,983,000	\$ 982,510	\$ -	\$ 1,088,370
Police Pension	\$ 785,446	\$ 10,000	\$ -	\$ 28,968
Redevelopment General	\$ 144,197	\$ 138,000	\$ -	\$ 133,460
Redevelopment Capital	\$ 400,100	\$ -	\$ -	\$ -
Motor Vehicle Highway	\$ 665,682	\$ -	\$ -	
Local Roads & Streets	\$ 295,777	\$ -	\$ -	
Mun Cum Cap Dev	\$ 362,224	\$ 422,106	\$ -	\$ 365,204
Special Events Non Rev	\$ 69,787	\$ -	\$ -	\$ -
Cum Cap Improvement	\$ 73,228	\$ -	\$ -	\$ -
Corporation Bonds & Int.	\$ 409,560	\$ 693,917	\$ -	\$ 84,835
Corp Bonds & Int. Exempt	\$ 126,840	\$ 264,342	\$ -	\$ -
Redev Bond & Int Exempt	\$ 237,416	\$ 313,237	\$ -	\$ -
Park Bond & Lease	\$ 1,020,000	\$ 666,217	\$ -	\$ 1,439,090
Park Bond & Lease Exempt	\$ 532,217	\$ 1,044,952	\$ -	\$ 112,768
Solid Waste Dist. Grant	\$ 163,500	\$ -	\$ -	\$ -
Law Enf. Cont. Ed.	\$ 43,600	\$ -	\$ -	\$ -
Inf Com Tech	\$ 177,980	\$ -	\$ -	\$ -
Parks/VIPS Public Safety	\$ 6,000	\$ -	\$ -	\$ -

TOTAL:	 \$ 13,497,352	 \$ 12,420,301	 \$ -	 \$ 7,902,064
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As advertised

Controlled Levies Above \$ 9,015,530

Max Levy \$ 5,911,136

If LOIT is adopted:

Max Levy \$ 6,000,866

Assessed Valuation: \$ 724,200,819

70% of FY 2011 AV

FY 2012

Corporation General Fund:

(departmentalized)

Proposed

FY 2012

Adopted

Office of the Town Council

Personnel Services	\$ 79,164	\$ -
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Supplies	\$ 700	\$ -
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Other Services & Charges	\$ 198,987	\$ -
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Capital Outlays	\$ -	\$ -
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Department Total:	\$ 278,851	\$ -
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Advisory Board of Zoning Appeals

Personnel Services	\$ 3,359	\$ -
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Supplies	\$ 200	\$ -
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Other Services & Charges	\$ 7,976	\$ -
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Capital Outlays	\$ -	\$ -
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Department Total:	\$ 11,535	\$ -
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<i>Volunteers in Policing</i>			
Personnel Services	\$	2,720	\$ -
Supplies	\$	16,089	\$ -
Other Services & Charges	\$	2,650	\$ -
Capital Outlays	\$	-	\$ -
Department Total:	\$	21,459	\$ -

<i>Office of the Clerk-Treasurer</i>			
Personnel Services	\$	104,602	\$ -
Supplies	\$	3,400	\$ -
Other Services & Charges	\$	55,675	\$ -
Capital Outlays	\$	-	\$ -
Department Total:	\$	163,677	\$ -

<i>Building Inspection Department</i>			
Personnel Services	\$	216,165	\$ -
Supplies	\$	6,750	\$ -
Other Services & Charges	\$	59,745	\$ -
Capital Outlays	\$	-	\$ -
Department Total:	\$	282,660	\$ -

<i>Fire Department</i>			
Personnel Services	\$	208,275	\$ -
Supplies	\$	31,670	\$ -
Other Services & Charges	\$	87,277	\$ -
Capital Outlays	\$	12,434	\$ -
Department Total:	\$	339,656	\$ -

<i>Plan Commission Dept.</i>			
Personnel Services	\$	2,842	\$ -
Supplies	\$	325	\$ -
Other Services & Charges	\$	21,746	\$ -
Capital Outlays	\$	-	\$ -
Department Total:	\$	24,913	\$ -

<i>Metropolitan Police Department</i>			
Personnel Services	\$	3,211,388	\$ -
Supplies	\$	110,500	\$ -
Other Services & Charges	\$	825,439	\$ -
Capital Outlays	\$	-	\$ -
Department Total:	\$	4,147,327	\$ -

Services & Works Board Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	-	\$	-
Other Services & Charges	\$	686,555	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	686,555	\$	-

Town Hall and Monuments Dept.

Personnel Services	\$	28,190	\$	-
Supplies	\$	4,700	\$	-
Other Services & Charges	\$	11,275	\$	-
Capital Outlays	\$	-	\$	-
Department Total:	\$	44,165	\$	-

Fund Total:	\$	6,000,798	\$	-
Proposed (est.) Rate for the Fund	\$	0.7622	per \$100 dollars of av	
Adopted (Est.) Rate for the Fund	\$	-	per \$100 dollars of av	

Redevelopment General Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 69,355	\$ -
Supplies	\$ 2,000	\$ -
Other Services & Charges	\$ 72,842	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 144,197	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0133	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Redevelopment Capital Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 226,100	\$ -
Capital Outlays	\$ 174,000	\$ -
Fund Total:	\$ 400,100	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Parks and Recreation Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 948,300	\$ -
Supplies	\$ 112,900	\$ -
Other Services & Charges	\$ 921,800	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 1,983,000	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0950	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Police Pension 1925 Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 784,031	\$ -
Supplies	\$ 310	\$ -
Other Services & Charges	\$ 1,105	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 785,446	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0010	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Parks Dist Bond & Lease Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 532,217	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 532,217	\$ -
Proposed (est.) Rate for the Fund	\$ 0.1443	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Parks Dist Bond & Lease Fund (Regular)

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 1,020,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 1,020,000	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0920	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Corporation Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 409,560	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 409,560	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0958	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Corporation Bond Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 126,840	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 126,840	\$ -

Motor Vehicle Highway Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 405,900	\$ -
Supplies	\$ 202,470	\$ -
Other Services & Charges	\$ 57,312	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 665,682	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Local Roads & Streets Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 70,777	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 225,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 295,777	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Municipal Cum Cap Dev Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 7,000	\$ -
Other Services & Charges	\$ 198,824	\$ -
Capital Outlays	\$ 156,400	\$ -
Fund Total:	\$ 362,224	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0583	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
The rate is fixed or capped by I.C. 36-9-15.5 et seq.		

Cumulative Cap Imp. Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 73,228	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 73,228	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Law Enf. Ed., Trng., & Supply Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 17,700	\$ -
Other Services & Charges	\$ 25,900	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 43,600	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment Bond Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ -	\$ -
Other Services & Charges	\$ 237,416	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 237,416	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0433	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Information & Comm Tech

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 2,750	\$ -
Other Services & Charges	\$ 175,230	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 177,980	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

VIPS/PARKS Public Safety Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 600	\$ -
Supplies	\$ 5,400	\$ -
Other Services & Charges	\$ -	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 6,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Solid Waste District Grant Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ 20,000	\$ -
Other Services & Charges	\$ 123,500	\$ -
Capital Outlays	\$ 20,000	\$ -
Fund Total:	\$ 163,500	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Special Events Non Reverting

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 7,102	\$ -
Supplies	\$ 1,000	\$ -
Other Services & Charges	\$ 61,685	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 69,787	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Total of All Funds:	\$ 13,497,352	\$ -

2. Fiscal Body Review Pre-Approval Hearing: Budgets of the Sanitary District and the Waterworks Districts, pursuant to IC 6-1.1-17-20. *The Sanitary District Operating Budget is increased over the prior year, owing to its assumption of the solid waste management function. Under amendments to IC 6-1.1-17-20, the Sanitary and Waterworks Districts governing bodies shall submit their respective proposed budgets and property tax levies to the municipal fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the town fiscal body is required to hold budget approval hearings under IC 6-1.1-17. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The Board of Sanitary Commissioners adopted the budget on October 4, 2011. The Board of Waterworks Directors adopted its debt service budget on October 13, 2011. The final adoption vests with the Town Council. The Town Council should take its final action at its special meeting of October 31, 2011.*

- (a) Verification of Proofs of Publication: (TIMES: 10-05-2011; POST-TRIB 10-06-2011.) The Town Attorney indicated that he had reviewed the proofs of publication and found them in compliance with IC 5-3-1.

Hearing. The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.

- (b) Introduction of **Proposed Enactment No. 2011-41:** An Enactment of Appropriations and Budget Levies and Rates for the 2012 Budgets of the Sanitary District of Highland.
- (c) Introduction of **Proposed Enactment No. 2011-42:** An Enactment of Appropriations and Budget Levies and Rates for the 2012 Budgets of the Waterworks District of Highland.

Councilor Zemen introduced and filed Enactments No. 2011-41 and 2011-42. There was no further action.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed enactments for final fiscal body adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed enactments will be at a **special** meeting of the **Town Council, Monday, October 31, 2011 at 7:00 p.m.**

Sanitary District Special Operating Fund

(Departmentalized)

<i>Operating Department</i>	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ 116,734	\$ -
Supplies	\$ 650	\$ -
Other Services & Charges	\$ 85,120	\$ -
Capital Outlays	\$ 18,000	\$ -
Departmental Total:	\$ 220,504	\$ -
<i>Sanitation and Waste Department</i>	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ 296,470	\$ -
Supplies	\$ 29,050	\$ -
Other Services & Charges	\$ 1,542,926	\$ -
Capital Outlays	\$ -	\$ -
Departmental Total:	\$ 1,868,446	\$ -
Fund Total:	\$ 2,088,950	\$ -
Adopted (est.) Rate for the Fund	\$ 0.0252	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Sanitary District Bond and Interest Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 986,121	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 986,121	\$ -
Adopted (est.) Rate for the Fund	\$ 0.1698	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Sanitary District Bond and Interest Exempt Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 513,437	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 513,437	\$ -
Adopted (est.) Rate for the Fund	\$ 0.0698	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Total of All San Dist Funds:	\$ 3,588,508	\$ -

Waterworks District Bond and Interest Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services \$	-	\$ -
Supplies \$	-	\$ -
Other Services & Charges \$	392,600	\$ -
Capital Outlays \$	-	\$ -
Fund Total:	\$ 392,600	\$ -
Adopted (est.) Rate for the Fund	\$ 0.1077	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Unfinished Business and General Orders:

1. Authorization and approval for the proper officer to advertise for proposed additional appropriations in the Special Public Safety Fund, in the amount of \$40,000 to support the acquisition and training of a law enforcement dog and compatibly equipped car. Hearing is set for October 24, 2011.

Councilor Zemen moved to authorize and approve the proper officer advertise as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer would cause legal notice of a public hearing.

2. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

2.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200 for work associated with Highland Grove Mall Special Security.

Councilor Herak moved and Councilor Kuiper seconded the approval of the overtime work paid for an exempt employee, the Criminal Investigations Division Commander. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime pay for an exempt salaried employee was approved.

3. Action to ratify and approve compensatory time off for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

The Metropolitan Police Chief filed a memorandum making a request for use of hours over the scheduled pay period be used one hour for one hour, documented for the period January 1 2011 through September 30, 2011, by the following exempt salaried workers for compensatory time, thereby as paid time off:

Peter T. Hojnicky	80 hours
Patrick Vassar	65 hours
George Georgeff	33.5 hours
Ralph Potesta	88 hours

Councilor Kuiper moved to authorize and approve the compensatory time as presented. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives, and one abstention. With Councilors Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The use of the compensatory time as presented was approved.

4. Action to approve pay for employee who is temporarily replacing another employee at a higher-grade level, after thirty full days in the position, pursuant to Section § 4.01 of the Compensation and Benefits Ordinance.
- 4.1 The Metropolitan Police Chief requests favorable action for Patrol Officer 1st Erich Swisher, who was appointed acting Corporal on September 19, 2011. The Chief is requesting the pay at the level of the rank of Corporal effective October 19, 2011. The Board of Metropolitan Police Commissioners acted at its meeting of 13 October 2011.*
- 4.2 The Metropolitan Police Chief requests favorable action for Corporal Randall Stewart, who was appointed acting Sergeant on September 16, 2011. The Chief is requesting the pay at the level of the rank of Sergeant effective October 16, 2011. The Board of Metropolitan Police Commissioners acted at its meeting of 13 October 2011.*

Councilor Kuiper moved and Councilor Zemen seconded to approve the Metropolitan Police Chief's requests for the higher position pay as presented for Patrol Officer 1 Eric Swisher and for Corporal Randall Stewart. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The higher pay was approved.

5. **Proposed Ordinance No. 1499:** An Ordinance of the Town of Highland, Indiana, concerning the funding of capital improvement projects by the Highland Waterworks District through the issuance and sale of a promissory note, and other matters connected therewith.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1499. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1499. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction, pursuant to IC 36-5-2-9.

**TOWN OF HIGHLAND
ORDINANCE NO. 1499**

An Ordinance of the Town of Highland, Indiana, concerning the funding of capital improvement projects by the Highland Waterworks District through the issuance and sale of a promissory note, and other matters connected therewith

WHEREAS, The Board of Directors (the "Board") of the Waterworks District (the "District") of the Town of Highland, Indiana (the "Town"), has determined to issue a promissory note of the District in an amount not to exceed \$750,000 to fund the construction of the US Route 41 Water Main Extension Project, Woodward Avenue Reconstruction Project, Garfield Avenue Water Main Replacement Project, Bradley Pump Station Chlorination System Project and the Bradley Pump Station Bypass Project and to pay costs of issuance of the note (collectively, the "Project"); and

WHEREAS, The Town Council of the Town is authorized to approve the issuance of obligations of the District;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, INDIANA, THAT:

Section 1. The Town Council hereby approves the issuance of the note of the District by the Board in an amount not to exceed \$750,000 to apply to the cost of the Project.

Section 2. The Town represents that"

- (i) The note is not a private activity bond as defined in Section 141 of the Internal Revenue Code (the "Code");
- (ii) The Town hereby designates the tax-exempt note as a qualified tax-exempt obligation for the purpose of Section 265(b) of the Code;

- (iii) The reasonably anticipated amount of qualified tax-exempt obligations (including tax-exempt leases but excluding qualified 501(c)(3) obligations and other private activity bonds) which will be issued by the Town and all entities subordinate to the Town during 2011 does not exceed \$10,000,000; and
- (iv) The Town, any body acting in the name of the Town, and any entities subordinate to the Town, have not designated and will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2011.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Introduced and filed on the 17th day of October 2011. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 17th day of October 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF HIGHLAND,
INDIANA**

/s/ Brian Novak, President

/s/ Konnie Kuiper

/s/ Bernie Zemen

/s/ Mark A. Herak

/s/ Dan Vassar

ATTEST:

/s/ Michael W. Griffin, IAMC/MMC/CPFA,
Clerk-Treasurer

6. Recommendation of the Town Board of Metropolitan Police Commissioners to select a Kennel from which to authorize a purchase of a Law Enforcement Dog, that Kennel being Faus K-9 Specialties, LLC.

Councilor Kuiper moved and Councilor Zemen seconded to approve the recommendation of the Town Board of Metropolitan Police Commissioners regarding the selection of a Faus K-9 as a source kennel from which a law enforcement dog may be purchased. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The recommendation was approved.

7. **Works Board Order No. 2011-40:** An Order of the Works Board Accepting the Bid of Walsh & Kelly, Incorporated for the Wicker Park Drive Improvement Project Being the Lowest Responsive and Responsible Bid in the amount of Two Hundred Eight Thousand, Forty-six Dollars and 20/100 Cents (\$208,046.20)

Councilor Vassar moved the passage and adoption of Works Board Order No. 2011-40. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2011-40**

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF WALSH & KELLY, INCORPORATED FOR THE WICKER PARK DRIVE IMPROVEMENT PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF TWO HUNDRED EIGHT THOUSAND, FORTY-SIX DOLLARS AND 20/100 CENTS (\$208,046.20)

Whereas, the Town Council for the Town of Highland (Council) determined that a need exists to improve the Wicker Park Drive between 81st Street and Sycamore Avenue, including the replacement of defective curb and sidewalk, pavement, and tree removal and replacement; and

Whereas, on May 16, 2011, the Council conducted a Public Hearing in order to seek input from persons on community development needs and, subsequently, adopted Resolution No. 2011-17, A Resolution Authorizing and Directing the Town Council President to Submit a Project Proposal for Community Development Block Grant Funds for Federal Fiscal Year 2011; and

Whereas, on May 19, 2011, the Town Council President, on the advice of the Public Works Director, determined that the Wicker Park Drive neighborhood, bounded by 81st Street to the north and Sycamore Avenue to the south, met the project criteria of being a low to moderate income area (>50%) and submitted the Wicker Park Drive Improvement Project as the Town's Community Development Block Grant Project for Federal Fiscal Year 2011; and

Whereas, Garcia Consulting Engineers had prepared plans and specifications for the Wicker Park Drive Improvement Project and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, the following bids were received at 10:00 a.m. on October 6, 2011:

	Bidder	Base Bid
1.	Rieth-Riley Construction, Inc.	\$252,356.72
2.	Walsh & Kelly, Inc.	\$208,046.20
3.	Gariup Construction Co., Inc.	\$257,700.00

Whereas, Garcia Consulting Engineers and the Director of Public Works have reviewed the bids and determined that the bid of Walsh & Kelly, Incorporated in the amount of Two Hundred Eight Thousand, Forty-six Dollars and 20/100 Cents (\$208,046.20) to be the lowest responsive and responsible bid.

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Director and award a construction contract to Walsh & Kelly, Incorporated for the Wicker Park Drive Improvement Project, the CDBG Project for FY 2011.

Now, Therefore, Be It Ordered, by the Town Council of the Highland, Indiana that the bid of Walsh & Kelly, Incorporated for the Wicker Park Drive Improvement Project, the CDBG Project for FY 2011 in the amount of Two Hundred Eight Thousand, Forty-six Dollars and 20/100 Cents (\$208,046.20) is hereby accepted as the lowest responsive and responsible bid. Further, the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 17th day of October. Having been passed by a vote of 5 in favor and 0 opposed.

BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Enactment No. 2011-43:** An Enactment Authorizing and Approving a wellness initiative for the municipal workforce supporting flu vaccinations for full-time workers, firefighters, to be paid at the expense of the municipality as employer, pursuant to i.c. 5-10 *et seq.*; and IC 36-1-3.

Councilor Vassar introduced and moved the consideration of Enactment No. 2011-43 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of introduction.

Councilor Vassar moved the passage and adoption of Enactment No. 2011-43 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of introduction.

Town of Highland
Enactment (ordinance)
Enactment No. 2011-43

AN ENACTMENT AUTHORIZING AND APPROVING A WELLNESS INITIATIVE FOR THE MUNICIPAL WORKFORCE SUPPORTING FLU VACCINATIONS FOR FULL-TIME WORKERS, FIREFIGHTERS, TO BE PAID AT THE EXPENSE OF THE MUNICIPALITY AS EMPLOYER, PURSUANT TO I.C. 5-10 *ET SEQ.*; AND IC 36-1-3.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Title 5, Article 10, Chapters 2.2 and 2.6 enables a public employer to provide programs of group health insurance by purchasing policies of group insurance or establishing self-insurance programs.

WHEREAS, Title 36, Article 1, Chapters 3 provides that a unit of local government unit has all powers granted it by statute and all other powers *necessary or desirable* in the conduct of its affairs, even though not granted by statute;

WHEREAS, Title 36, Article 1, Chapters 3 further provides that a unit of local government desiring to exercise powers under IC 36-1-3, must adopt an ordinance prescribing a specific manner for exercising the power;

WHEREAS, The Town Council of the Town of Highland, has been advised of the desirability of establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses; and,

WHEREAS, The Town Council of the Town of Highland, has determined that establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses to be a desirable action that will promote worker wellness and well being and reduce absenteeism due to flu related illness,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That a wellness initiative authorizing flu shot vaccinations to be paid from public funds as an employer provided benefit is hereby approved and authorized for the following identified groups:

- (A) Full-time members of the municipal workforce and the Clerk-Treasurer;
- (B) Member firefighters of the Highland Fire Department;
- (C) Spouses of full-time members of the municipal workforce, the Clerk-Treasurer and member firefighters of the Highland Fire Department;

Section 2. That this authorization is effective from October 17, 2011, continuing until its expiration on December 31, 2011 and shall be construed as an elective group benefit and not an entitlement;

Section 3. That this benefit is subject to sufficiency of appropriations available for expenditure in the Office of the Town Council, Corporation General Fund, pursuant to I.C. 6-1.1-18 and shall not exceed the amount of **\$2,500.00**;

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 17th Day of October 2011. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 17th Day of October 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period September 27, 2011 through to October 17, 2011. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

**General Fund, \$283,094.65; Motor Vehicle Highway and Street (MVH) Fund, \$ 9,641.07;
Local Road and Street (LRS) Fund, \$6,241.51; Forfeited and Seized Assets Fund, \$1,000.00;**

Law Enforcement Cont. Education and Supply Fund, \$2,318.23; Flexible Spending Agency Fund, \$1,065.95; Insurance Premium Agency Fund, \$130,163.90; Gasoline Agency Fund, \$25,264.00; Information and Communications Technology Fund, \$5,018.64; Solid Waste District Grant Fund, \$1,018.68; Civil Donation Fund, \$64.81; Municipal Cumulative Capital Development Fund, \$2,272.00; General Improvement Fund, \$135.00; Traffic and Law Violation Agency Fund, \$7,039.50; Safe Neighborhood Grant Fund, \$2,016.00; Municipal Cumulative Street Fund, \$810.00; Sexual Predator Grant Fund, \$10,428.33; Special Public Safety Fund, \$39,697.54; Payroll Fund, \$3.46; Total: \$527,293.27.

Adjournment. Councilor Kuiper moved that the special meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The special meeting of the Highland Town Council of Monday, October 17, 2011 was adjourned at 7:30 O'clock p.m. The standing study session was convened following the special meeting. It is memorialized in a separate memorandum of the meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer